

AMENDED IN ASSEMBLY JUNE 22, 2006
AMENDED IN SENATE JANUARY 23, 2006
AMENDED IN SENATE JANUARY 4, 2006

SENATE BILL

No. 696

Introduced by Senator Escutia
(Coauthors: Senators Alquist, Romero, Soto, and Torlakson)

February 22, 2005

~~An act to amend Sections 60227 and 60242 of, and to add Section 60200.1 to, the Education Code, relating to instruction, and making an appropriation therefor. An act to amend Sections 60242 and 60422 of the Education Code, relating to instructional materials.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 696, as amended, Escutia. Instructional materials.

Existing law requires the State Board of Education to adopt basic instructional materials for use in kindergarten and grades 1 to 8, inclusive. Existing law requires the board to encumber the State Instructional Materials Fund for the purpose of establishing an allowance for each school district that the district may use for certain, listed purposes relating to the acquisition of instructional materials, including purchasing materials adopted by the state board for kindergarten and grades 1 to 8, inclusive. Existing law requires the state board to specify the percentage of a district's allowance that is authorized to be used for each of the listed purposes.

This bill, notwithstanding the provisions of existing law specified above, would authorize a school district to expend for kindergarten and grades 1 to 8, inclusive, not more than 30% of the district's allowance to purchase standards-aligned instructional materials

selected by the school district, upon compliance with certain requirements. The bill would make a conforming change in a related provision of existing law.

~~Existing law requires the State Board of Education to adopt at least 5 separate basic instructional materials, as defined, for use in kindergarten and each of grades 1 to 8, inclusive, in language arts, mathematics, science, social science, bilingual or bicultural subjects, and any other subject, discipline, or interdisciplinary areas for which the state board determines the adoption of instructional materials to be necessary or desirable. Existing law requires the state board to ensure that basic instructional materials meet certain specified criteria.~~

~~Existing law establishes the State Instructional Materials Fund and continuously appropriates the money in the fund to the State Department of Education. Existing law authorizes a school district to use allowances received from the fund to purchase instructional materials adopted by the state board, to purchase instructional materials from any source, to purchase tests, to bind basic textbooks, to fund in-service training related to instructional materials, and to purchase classroom library materials for kindergarten and grades 1 to 4, inclusive.~~

~~Existing law, until January 1, 2007, requires the State Department of Education, prior to conducting a followup adoption, to notify all publishers and manufacturers known to produce basic instructional materials in that subject that a fee will be assessed based on the number of programs the publisher or manufacturer indicates will be submitted. Existing law continuously appropriates to the department the revenue derived from this fee and makes the revenue available to the department from year to year until expended.~~

~~This bill would extend the operation of these provisions to January 1, 2010, and would require the state board to annually solicit recommendations from school districts regarding the adoption of instructional materials. The bill would permit a school district or county office of education that recommends instructional materials to use those materials, as specified, unless the state board, within 180 calendar days, makes written factual findings that the instructional materials lack certain specified criteria. The bill would also require the state board to consider whether to adopt, and make a determination as to whether to adopt, those instructional materials within one year of the receipt of the school district recommendation of adoption. The bill would also provide that if the state board does not make a~~

determination with respect to the adoption of the instructional materials within one year of the school district recommendation, those instructional materials would be deemed to be adopted for 4 years, or until the next regular adoption of materials in that category, whichever comes later. The bill would, in addition, require the followup adoption fee to be based on instructional materials reviewed pursuant to these provisions.

~~This bill would also authorize a school district to use allowances received from the fund to purchase instructional materials adopted by the state board after recommendation by a school district. By expanding the purposes for which moneys from the fund may be used, the bill would make an appropriation.~~

Vote: majority. Appropriation: ~~yes~~no. Fiscal committee: ~~yes~~no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 60242 of the Education Code is
2 amended to read:

3 60242. (a) The state board shall encumber the fund for the
4 purpose of establishing an allowance for each school district,
5 which may reflect increases or decreases in enrollment, that the
6 district may use for the following purposes:

7 (1) To purchase instructional materials adopted by the state
8 board pursuant to Section 60200 for kindergarten and grades 1 to
9 8, inclusive, or by the governing board of the school district
10 pursuant to Section 60400 for grades 9 to 12, inclusive. A school
11 district may purchase with funds received pursuant to Chapter
12 3.25 (commencing with Section 60420) instructional materials
13 for the visual and performing arts, foreign language, health, or
14 any other curricular area if those materials are adopted by the
15 state board pursuant to Section 60200 for kindergarten and
16 grades 1 to 8, inclusive, or by the governing board pursuant to
17 Section 60400 for grades 9 to 12, inclusive, and if the school
18 district certifies that it has provided each pupil with a
19 standards-aligned textbook or basic instructional materials in
20 reading/language arts, mathematics, history/social science, and
21 science.

22 (2) To purchase, at the district's discretion, instructional
23 materials, including, but not limited to, supplementary

1 instructional materials and technology-based materials, from any
2 source.

3 (3) To purchase tests.

4 (4) To bind basic textbooks that are otherwise usable and are
5 on the most recent list of basic instructional materials adopted by
6 the state board and made available pursuant to Section 60200.

7 (5) To fund in-service training related to instructional
8 materials.

9 (6) To purchase classroom library materials for kindergarten
10 and grades 1 to 4, inclusive.

11 (b) (1) ~~The~~ *Except as provided under paragraph (2), the state*
12 *board shall specify the percentage of a district's allowance that is*
13 *authorized to be used for each of the purposes identified in*
14 *subdivision (a).*

15 (2) *Notwithstanding Section 60200, for kindergarten and*
16 *grades 1 to 8, inclusive, a school district may expend not more*
17 *than 30 percent of the district's allowance to purchase*
18 *instructional materials selected by the school district, if both of*
19 *the following apply:*

20 (A) *The instructional materials are aligned to standards*
21 *adopted under Section 60605.*

22 (B) *The school district certifies in writing to the*
23 *Superintendent that the instructional materials are aligned to*
24 *standards adopted under Section 60605 and comply with Article*
25 *3 (commencing with Section 60600) and Section 60226.*

26 (c) Allowances established for school districts pursuant to this
27 section shall be apportioned in September of each fiscal year.

28 (d) (1) A school district that purchases classroom library
29 materials, shall, as a condition of receiving funding pursuant to
30 this article, develop a districtwide classroom library plan for
31 kindergarten and grades 1 to 4, inclusive, and shall receive
32 certification of the plan from the governing board of the school
33 district. A school district shall include in the plan a means of
34 preventing loss, damage, or destruction of the materials.

35 (2) In developing the plan required by paragraph (1), a school
36 district is encouraged to consult with school library media
37 teachers and primary grade teachers and to consider selections
38 included in the list of recommended books established pursuant
39 to Section 19336. If a school library media teacher is not
40 employed by the school district, the district is encouraged to

1 consult with a school library media teacher employed by the
2 local county office of education in developing the plan.

3 (3) To the extent that a school district or county office of
4 education already has a plan meeting the criteria specified in
5 paragraphs (1) and (2), no new plan is required to establish
6 eligibility.

7 *SEC. 2. Section 60422 of the Education Code is amended to*
8 *read:*

9 60422. (a) ~~A local~~ Except as authorized under paragraph (2)
10 of subdivision (b) of Section 60242, a school district governing
11 board shall use funding received pursuant to this chapter to
12 ensure that each pupil is provided with a standards-aligned
13 textbook or basic instructional materials, as adopted by the ~~State~~
14 ~~Board of Education~~ state board subsequent to the adoption of
15 content standards pursuant to Section 60605 for kindergarten and
16 grades 1 to 8, inclusive, or as adopted by the local governing
17 board pursuant to Sections 60400 and 60411, for grades 9 to 12,
18 inclusive. Pupils shall be provided with standards-aligned
19 textbooks or basic instructional materials by the beginning of the
20 first school term that commences no later than 24 months after
21 those materials were adopted by the ~~State Board of Education~~
22 state board.

23 (b) Once a governing board certifies compliance with
24 subdivision (a) with regard to standards-aligned instructional
25 materials in the core curriculum areas of reading/language arts,
26 mathematics, science, and history/social sciences, and if the
27 governing board of a school district has met the eligibility
28 requirements of Section 60119, the remaining funds may only be
29 used consistent with subdivision (a) of Section 60242 and
30 pursuant to Section 60242.5.

31 (c) ~~The State Board of Education~~ state board may grant the
32 school district additional time to meet the purchasing
33 requirements of subdivision (a) if the governing board of the
34 school district demonstrates, to the satisfaction of the state board,
35 that all of the following criteria apply to the district:

36 (1) The school district has implemented a well-designed,
37 standards-aligned basic instructional materials program.

38 (2) The school district, at the time of its request for additional
39 time pursuant to this subdivision, has sufficient textbooks or
40 basic instructional materials for use by each pupil.

1 (3) The school district has adopted a plan for the purchase of
2 standards-aligned instructional materials in accordance with
3 subdivision (a) but that plan indicated an alternative date for
4 compliance that is declared in the request for additional time.

5 (d) The funds provided for the purchase of instructional
6 materials in Schedules 1 and 2 of Item 6110-189-0001 and
7 paragraph 6 of Item 6110-485 of Section 2.00 of the Budget Act
8 of 2002 shall be used for the purposes of, and allocated
9 consistent with, this chapter.

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12 **All matter omitted in this version of the bill**
13 **appears in the bill as amended in Senate,**
14 **January 23, 2006 (JR11)**
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